IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 23112 of 2007(B)

PETITIONER:

P.V.SUBRAMANIAN, DEPUTY ADMINISTRATOR (PUBLICATIONS), GURUVAYOOR DEVASWOM, ADMINISTRATION, PARVATHY BHAVAN, SOUTH SAMOOHAM, GURUVAYOOR.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. THE GURUVAYOOR DEVASWOM MANAGING COMMITTEE, REPRESENTED BY ITS ADMINISTRATOR, GURUVAYOOR-680 101.

2. STATE OF KERALA REPRESENTED BY ITS PRINCIPAL SECRETARY, DEVASWOM REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.N.RAJAGOPALAN NAIR,SC,GURUVAYUR D.B
SRI.U.K.RAMAKRISHNAn, SC
SRI.V.KRISHNA MENON

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, ALONG WITH WPC NO. 23673 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NOS. 23112 & 23673 OF 2007

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Dated this the 4th day of September, 2007.

JUDGMENT

The petitioners in both these cases are employees of Guruvayoor Devaswam. They challenge orders of suspension pending enquiry. The petitioner in W.P.(C) No. 23112/2007 was carrying on the work of computerisation of the Guruvayoor Devaswom and the petitioner in the W.P.(C) No. 23673/2007 is working as Assistant Manager of the Guruvayoor Devaswam (Kousthubham). The contention raised by the petitioner is that suspension was effected by the 1st respondent at the instance of the Government and therefore the appointing authority has not applied its mind to the question whether the petitioners should be placed under suspension. In this regard reference is made to Rule 10(1)(b) of the Kerala Civil Services (Classification Control & Appeals) Rules which have been made applicable to the employees of the Devaswom as per the provisions of Guruvayoor Devaswom Employees Regulations 1983.

2. A statement has been filed in both cases by the 1st respondent-Devaswom. Reference is made to the fact that the petitioners have been suspended from service on 25.07.2007 on the

basis of the vigilance enquiry pending against them. The vigilance enquiry arose from a complaint filed by a devotee of Lord Guruvayoorappan, Shri. K.B. Anil Kumar before the Vigilance Court, Thrissur alleging malpractices and corruptions with regard to the computerisation of the Guruvayoor Devaswom. The complaint also referred to the allegations against the conduct of Gajadinam insofar as the petitioner in W.P(C) No. 23673 is concerned. On the basis of the said complaint the Deputy Superintendent of Police explained the situation to the Director, Vigilance and Anti Corruption Bureau, Thiruvanannthapuram, who in turn, requested the Principal Secretary to Government to remove the petitioner who is holding a key position in Guruvayoor at the time of the vigilance enquiry. Reference is made to Annexure A letter from the Director, VACB and Annexure B which is the communication from the Principal Secretary to Government.

3. It is further contended that the Guruvayorr Devaswom Managing Committee which met on 25.07.2007 considered the entire aspects and decided to place the petitioner in both the cases under suspension pending vigilance enquiry and further directed the Administrator of the Guruvayoor Devaswom to do the needful. The suspension is the result of the action so taken by the Devaswom. I

heard Shri. P.B Sahasranaman and Shri. Manu Valsan for the petitioners and Shri. Krishna Menon for the respondent. Shri. Menon referred to the report submitted by the Director of VACB. It is a fact that a case is pending before the Vigilance Court, Thrissur. Essentially, the disciplinary authority seems to have taken a decision to place the petitioners under suspension taking note of the fact that vigilance enquiry is pending against the petitioners. In the circumstances, assuming that the order of suspension is triggered by a communication from the Government and therefore the appointing authority has not independently applied its mind as to whether the petitioners should be placed under suspension, no purpose will be served by requiring the Devaswom Committee to reconsider the issue, at this stage, because there is actually a vigilance enquiry pending against the petitioners. It is always open to the Devaswom, taking note of the fact that a vigilance enquiry is pending, to place the petitioners under suspension. I am not inclined to interfere with the orders of the suspension which have been impugned in the petition.

4. The learned counsel for the petitioner in the W.P.(C) No. 23673/2007 contends that he is due to retire on 30.10.2007. Considering the facts and circumstances of the case, I am of the view

that Devaswom Board or Managing Committee of the Guruvayoor Devaswom shall consider the question as to whether the order of suspension passed against the petitioners can be revoked, provided the petitioners file a representation before the Committee within a period of three weeks from today along with a copy of the judgment. On receipt of such representation, the Managing Committee of the Devaswom shall consider the representations and then consider whether the suspension of the petitioners are required to be continued or not. It is for the Mainaging Committee to consider the question of continuance of suspension and decide upon the period of such continuance. A decision on the said representation shall be taken within a period of three weeks from the date of receipt of a copy of this judgment. The Managing Committee shall take a decision in this regard, taking note of the fact that the writ petitioner in W.P.(C) No. 23673/2007 is to retire on 31.10.2007.

The writ petitions are disposed of accordingly.

V. GIRI, JUDGE.

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